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5 *Attorney for Cole Lusby*

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8
9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 COLE LUSBY,

13 Defendant.

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15 CASE NO. 2:18-cr-00136-APG

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17 **STIPULATION TO CONTINUE
SENTENCING HEARING
(Second Request)**

18 IT IS HEREBY STIPULATED by and between Kathleen Bliss, Esq., counsel for
19 Defendant Cole Lusby, and Elham Roohani, Assistant United States Attorney, that the
20 Sentencing Hearing currently scheduled for July 20, 2021 at 9:30 a.m., be vacated and set to a
21 date and time convenient to this Court but no sooner than 30 days.

22 The stipulation is entered for the following reasons:

23 1. On February 26, 2021, Mr. Lusby entered a plea of guilty to the superseding
indictment charging him with failure to register as a sex offender in violation 18 U.S.C. §
24 2250(a). ECF No. 133.

25 2. Defendant's counselor, Pauline Hildreth, who is treating Mr. Lusby as a condition
of his supervision in a related case, recently had surgery and is recovering. Counsel has not been
26 able to speak with her about any opinions she may or may not offer in mitigation. Furthermore,
any information from her or from prior expert, Mark Chambers, is information to which the
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1 government is entitled and that this Court should have in determining a fair and just sentence.
2 Furthermore, a mitigation video has not been finished, though completion is imminent. Probation
3 and the Government should have time to review it prior to its presentation to the Court.

4 4. Defendant is not in custody and agrees to the proposed continuance.
5 3. Both parties agree to this continuance.
6 4. Denial of this request for a continuance would deny counsel for Mr. Lusby
7 sufficient time to effectively and thoroughly prepare for sentencing, taking into account due
8 diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of
9 justice.

10 Dated this 17th day of June 2021.

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15 /s/ Elham Roohani
16 ELHAM ROOHANI, ESQ.
17 Assistant U.S. Attorney

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 /s/Kathleen Bliss
 KATHLEEN BLISS ESQ.
 Counsel for Cole Lusby

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

CASE NO. 2:18-cr-00136-APG-PAL

Plaintiff,

VS.

COLE LUSBY,

Defendant.

ORDER

Based upon the stipulation of the parties, and good cause appearing, it is hereby ORDERED that Mr. Lusby's sentencing hearing set for July 20, 2021, be, and the same hereby is, VACATED.

IT IS FURTHER ORDERED that the sentencing hearing is reset for August 19, 2021,
at the hour of 1:30 p.m. in courtroom 6C.

Dated this 17th day of June 2021.

**THE HONORABLE ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE**